

REMARKS

Claims 1 – 4, 9 and 15 – 19 have been cancelled. Withdrawn methods claims 10, 11, 13, 20 and 23 have been amended so as to recite all necessary limitations of allowed claims 5-8. New method claim 25 depends from withdrawn claim 10 and recites the limitation of allowed claim 6, which depends from allowed claim 5. New method claim 26 depends from withdrawn claims 10, 11, 13, 20 and 23 and recites the limitation of allowed claim 8, which depends from allowed claim 5. No new matter has been introduced by way of these amendments. Entry and consideration of the foregoing amendments is respectfully requested.

As a result of these amendments, claims 5-8 remain pending as allowed and claims 10 – 14 and 20 – 26 remain pending but withdrawn.

RESPONSE

As an initial matter, Applicant appreciates the Examiner's indication that claims 5 to 8 are allowable.

I. Rejections under 35 U.S.C. 103(a)

Claims 1 – 2 and 4 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lent (US 3,044,877) and further in view of Moulton (The Herb Walk, 1993). Claim 3 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lent (US 3,044,877) and Moulton (The Herb Walk, 1993) and further in view of Wescott (Primitive Technology II, Ancestral Skills, 2001).

In order to advance prosecution, claims 1 – 4 have been cancelled without prejudice, rendering the rejections moot. Applicant maintains the right to pursue cancelled claims in one or more continuation and/or divisional applications.

II. Rejoinder

Applicant respectfully submits that since composition claims 5 – 8 are allowable, and method claims 10 – 14 and 20 – 26 as currently amended recite all necessary limitations of claims 5 – 8, the Examiner is requested to consider claims 10 – 14 and 20 – 26 for rejoinder, see M.P.E.P. §821.04(b). These claims are allowable, because they read on methods of making food

products, or food products produced from such methods, wherein the food products comprise flour obtained from *Phleum* spp. seeds as allowed in claims 5 – 8.

CONCLUSION

This reply is fully responsive to the non-final rejection dated May 12, 2010. In view of the foregoing, Applicant respectfully submits that no further impediments exist to the allowance of this application and, therefore, requests an indication of allowability.

Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283.

If the Examiner has any further questions relating to this Reply or to the application in general, he is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Dated: August 12, 2010

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